

CHAPTER 54: INDUSTRIAL WASTE; PRETREATMENT

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GENERAL PROVISIONS

§ 54.01 PURPOSE AND POLICY.

(A) This chapter sets forth uniform requirements for discharges into the city's wastewater disposal system and enables the city to comply with all state and federal laws. The objectives of this chapter are:

- (1) To prevent the introduction of pollutants into the wastewater disposal system which will interfere with the operation of the system or the use or disposal of the sludge;
- (2) To prevent the introduction of pollutants into the wastewater disposal system which will pass through the system inadequately treated into receiving waters or the atmosphere or otherwise be incompatible with the system; and
- (3) To improve the opportunity to recycle and reclaim wastewater and sludge from the system.

(B) This chapter provides for the regulation of discharges into the city's wastewater disposal system through the issuance of permits to certain users and through enforcement of the general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(C) This chapter shall apply to the city and to persons outside the city who are, by contract or agreement with the city, users of the city wastewater disposal system. This chapter is a supplement to Chapter 53, as amended. Except as otherwise provided herein, the Wastewater Supervisor of the city wastewater disposal system shall administer, implement and enforce the provisions of this chapter. (1981 Code, § 430.01)

§ 54.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Terms not otherwise defined herein shall be as given in M.S. Chapters 115 and 116, as they may be amended from time to time.

ACT. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. §§ 1251 et seq.

BIOCHEMICAL OXYGEN DEMAND, FIVE DAY (BOD₅). The quantity of oxygen required by microscopic organisms for stabilizing, or using as food, organic materials in wastewater in a specified time and at a specified temperature (normally five days at 20 degrees C).

CARBONACEOUS BIOCHEMICAL OXYGEN DEMAND, FIVE DAY (CBOD₅). A modified BOD procedure in which a nitrification inhibitor is used to prevent measuring oxygen uptake due to ammonia reduction. The results from this procedure, therefore, measures only the oxygen used by the micro-organisms to breakdown the wastewater's carbonaceous organic material.

CITY. The City of Lake City, Minnesota or the City Utilities Board of Lake City, Minnesota.

INDUSTRIAL USER. A person who discharges to the City's wastewater disposal system liquid wastes resulting from the processes employed in industrial, manufacturing, trade or business establishments or from the development of any natural resource.

INTERFERENCE. The inhibition or disruption of the City's wastewater disposal system processes or operations which causes or significantly contributes to a violation of any requirement of the City's NPDES or state disposal system permit. The term includes prevention of sewage sludge use or disposal by the City in accordance with published regulations providing guidelines under Section 405 of the Act (33 U.S.C. §§ 1251 et seq.) or any regulations developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or more stringent state criteria applicable to the method of disposal or use employed by the City.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT. Any permit or requirements issued by the Minnesota Pollution Control Agency (MPCA) pursuant to the Federal Water Pollution Control Act, as amended (33 U.S.C. §§ 1251 et seq.), for the purpose of regulating the discharge of sewage, industrial wastes or other wastes under the authority of Section 402 of the Act.

NON-CONTACT COOLING WATER. The water discharged from any use such as air conditioning, cooling or refrigeration or during which the only pollutant added to the water is heat.

PERSON. The state or any agency or institution thereof, any municipality, governmental subdivision, public or private corporation, individual, partnership or other entity, including, but not limited to, association, commission or any interstate body, and including any officer or governing or managing body of any municipality, governmental subdivision or public or private corporation or other entity.

pH. The logarithm of the reciprocal of the concentration of hydrogen ions in grams per liter of solution.

PRETREATMENT. The process of reducing the amount of pollutants, eliminating pollutants or altering the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the City's wastewater disposal system. The reduction, elimination or alteration may be obtained by physical, chemical or biological processes, process changes or other means, except as prohibited by § 54.21.

SHALL. *SHALL* is mandatory; *MAY* is permissive.

SIGNIFICANT INDUSTRIAL USE PERMIT. A permit issued to an Industrial User to ensure that the operation, performance and effluent quality of the City treatment facilities are not adversely impacted by the permittee's wastewater discharge to those facilities.

SIGNIFICANT INDUSTRIAL USER. Any industrial user of the City's wastewater disposal system which:

- (1) Has a discharge flow of 25,000 gallons or more per average work day; or
- (2) Has a flow greater than 5% of the flow in the City's wastewater disposal system; or
- (3) Has in its wastes a significant quantity of toxic pollutants as defined pursuant to Section 307 of the Act or Minnesota Statutes and Rules; or
- (4) Has a significant impact, either singly or in combination with other contributing industries, on the wastewater disposal system, the quality of sludge, the system's effluent quality or air emissions generated by the system.

STATE. State of Minnesota.

STATE DISPOSAL SYSTEM PERMIT. Any permit (including any terms, conditions and requirements thereof), issued by the MPCA pursuant to M.S. § 115.07, as it may be amended from time to time, for a disposal system, as defined by M.S. § 115.01, Subd. 8, as it may be amended from time to time.

STORMWATER. Any flow occurring during or following any form of natural precipitation and resulting there from.

SUSPENDED SOLIDS. The total suspended matter that floats on the surface of or is suspended in, water, wastewater or other liquids and which is removable by a standard glass fiber filter.

TOTAL PHOSPHORUS. A nutrient essential to the growth of organisms, and is commonly the limiting factor in the primary productivity of surface water bodies. Total phosphorus includes the amount of phosphorus in solution (reactive) and in particle form. Agricultural drainage, wastewater and certain Industrial discharges are typical sources of phosphorus and can contribute to the eutrophication of surface water bodies. Measured in milligrams per liter (mg/l).

USER. Any person who discharges, causes or permits the discharge of wastewater into the City's wastewater disposal system.

WASTEWATER SUPERVISOR. The wastewater supervisor of wastewater disposal system/of water pollution control/of public works of this City or the person's duly authorized representative.

WASTEWATER. The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with any groundwater, surface water and storm water that may be present, whether treated or untreated, which is discharged into or permitted to enter the City's wastewater disposal system.

WASTEWATER DISPOSAL SYSTEM or SYSTEM. Any devices, facilities, structures, equipment or works owned or used by the City for the purpose of the transmission, storage, treatment, recycling and reclamation of industrial and domestic wastewater or necessary to recycle or reuse water, including intercepting sewers, outfall sewers, sewage collection system, pumping, power and other equipment and their appurtenances; extensions, improvements, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled water supply such as standby treatment units and clear well facilities; and any works, including land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.

WATERS OF THE STATE. All streams, lakes, ponds, marshes, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof. (1981 Code, § 430.03)

§ 54.03 FEES.

(A) *Purpose.* It is the purpose of this chapter to provide for the recovery of costs from users of the City's wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be set forth in the City's schedule of charges and fees to be prepared, from time to time, by the Wastewater Supervisor and approved by the City Council. (1981 Code, § 430.11)

(B) *Charges and fees.* The following charges and fees are established by this chapter.*

- (1) *Fees for monitoring, inspection and surveillance procedures.* The industries governed by this charge in the City shall be charged the current hourly wage of all personnel involved in the monitoring, inspections and surveillance for the City. Also all testing or sample analyzing costs to City will also be charged.
- (2) *Application fee.* The industries governed by this Chapter for a City Discharge Permit, shall pay a fee of Two Hundred Fifty Dollars (\$250.00) for and with the filing of an Application for the required Discharge Permit. (Ord. 464, 10/13/2008)

- (3) *Annual fees.* One-hundred fifty dollars (\$150.00) per year to industries governed by this chapter for a city discharge permit. This fee shall be paid at the time of permit application and on or before January 1 each year thereafter. (Ord. 464, 10/13/2008)
- (4) *Appeal fees.* Whatever costs are involved in legal fees and court costs to the City shall be charged to the industries governed by this chapter. (Ord. 464, 10/13/2008)
- (5) *Other fees.* Other fees as the Wastewater Supervisor may deem necessary to carry out the requirements contained herein. (1981 Code, § 430.13) (Ord. 464, 10/13/2008)

REGULATIONS

§ 54.20 GENERAL DISCHARGE PROHIBITIONS.

(A) No user shall discharge or cause to be discharged, directly or indirectly, any of the following described substances into the wastewater disposal system or to any public sewer:

- (1) Any liquids, solids or gases which by reason of their nature or quantity are or may be sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the wastewater disposal system or to the operation of the system. At no time shall two successive readings on an explosion hazard meter at the point of discharge into the system or at any point in the system be more than 5% nor any single reading over 10% of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides;
- (2) Solid or viscous substances which will or may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to, grease, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, gas tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes;
- (3) Any wastewater having a pH less than 6.0 or greater than 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater disposal system; (Ord. 464, 10/13/2008)

- (4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to inhibit or disrupt any wastewater treatment process, constitute a hazard to humans or animals or create a toxic effect in the receiving waters of the wastewater disposal system. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307 (a) of the Act;
- (5) Any noxious or malodorous liquids, gases or solids which either singly or by interaction with other wastes are capable of creating a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair;
- (6) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions;
- (7) Any wastewater which creates conditions at or near the wastewater disposal system which violates any statute or any rule, regulation or ordinance of any public agency or state or federal regulatory body;
- (8) Any wastewater having a temperature greater than 150°F (65.6°C) or causing, individually or in combination with other wastewater, the influent at the wastewater treatment plant to have a temperature exceeding 104°F (40°C) or having heat in amounts which will inhibit biological activity in the treatment works resulting in interference;
- (9) Any slug load, which shall mean any pollutant, including oxygen demanding pollutants (BOD and the like), released in a discharge of such volume or strength as to cause inhibition or disruption in the wastewater disposal system. In no case shall a slug load have a flow rate or contain concentrations or quantities of pollutants that exceed for any time period longer than 15 minutes more than five times the average 24-hour concentrations, quantities or flow of the user during normal operation;
- (10) Non-contact cooling water or unpolluted storm or ground water;
- (11) Any wastewater containing a combination of fats, oils and grease (FOG) in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32° F and 150° F (0° C and 65.6° C) whether emulsified or not; (Ord. 464, 10/13/2008)
- (12) Wastewater containing inert suspended solids (such as, but not limited to, Fullers earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate) in such quantities that they would cause disruption with the wastewater disposal system;

- (13) Any wastewater having a CBOD5 greater than 350 mg/l or having a suspended solids concentration of greater than 350 mg/l or having a total phosphorus limit in excess of 8 mg/l. (Ord. 464, 10/13/2008)
- (14) Any wastewater discharge that lowers the ultraviolet light transmittance of the treated wastewater effluent such that it impacts the effectiveness of the Ultraviolet Disinfection treatment process to meet limits for fecal coliforms. (Ord. 464, 10/13/2008)

(B) In addition to these prohibitions, no user shall discharge to any public sewer any discharge which causes interference, as defined, with the wastewater disposal system. Pollutants in the effluent from an industrial user shall not be considered to cause interference where the industrial user is in compliance with specific prohibitions or standards developed by federal, state or local governments. Where the industrial user is in compliance with such specific prohibitions or standards and pollutants in the effluent from the industrial user's facility nevertheless are determined to have caused or significantly contributed to a violation of any requirement of the City's NPDES or state disposal system permit and are likely to cause such a violation in the future, the City must take appropriate action to develop and enforce specific effluent limits for that industrial user to ensure renewed and continued compliance with the City's NPDES or state disposal system permit. (1981 Code, § 430.05)

§ 54.21 LIMITATIONS ON WASTEWATER STRENGTH.

(A) *National categorical pretreatment standards.* National categorical pretreatment standards promulgated by the U.S. Environmental Protection Agency (EPA) pursuant to the Act shall be met by all users which are subject to such standards in any instance where they are more stringent than the limitations in this chapter unless the Wastewater Supervisor has applied for and obtained from the MPCA approval to modify the specific limits in the national categorical pretreatment standards. When requested, an application for modification of the national categorical pretreatment standards will be considered for submittal for the Wastewater Supervisor when the City's wastewater treatment system achieves consistent removal of the pollutants.

CONSISTENT REMOVAL shall be defined as in 40 C.F.R. 403 of the General Pretreatment Regulations for Existing and New Sources of Pollution. Conditional revisions of national categorical pretreatment standards may be made by the City in accordance with the General Pretreatment Regulations for Existing and New Sources of Pollution if requested by the industry(ies) in accordance with requirements of 40 C.F.R. 403.

(B) *State requirements.* State requirements and limitations on discharges shall be met by all users which are subject to such standards in any instance in which they are more stringent than federal requirements and limitations or those in this or any other applicable ordinance.

(C) *City's right of revision.* The City reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in § 54.01.

(D) *Dilution.* No user shall increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained herein, contained in the national categorical pretreatment standards or contained in any state requirements. (1981 Code, § 430.07)

§ 54.22 ACCIDENTAL DISCHARGES.

Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this chapter. Where necessary, facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Wastewater Supervisor for review and shall be approved by the Wastewater Supervisor before construction of the facility. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this chapter. Users shall notify the Wastewater Supervisor immediately upon having a slug or accidental discharge of substances or wastewater in violation of this chapter in order to enable countermeasures to be taken by the Wastewater Supervisor to minimize damage to the wastewater disposal system and the receiving waters. Such notification will not relieve users of liability for any expense, loss or damage to the wastewater disposal system or treatment process or for any fines imposed on the City on account thereof under any state or federal law. A notice shall be permanently posted on the user's bulletin board or other prominent place advising the employee whom to call in the event of a slug or accidental discharge. Employers shall insure that all employees who may cause or discover such a discharge are advised of the emergency notification procedure. (1981 Code, § 430.09)

ADMINISTRATION

§ 54.35 GENERAL USER REPORTS.

The Wastewater Supervisor may require that any person discharging or proposing to discharge wastewater to the wastewater disposal system file a periodic discharge report. The discharge report may include, but not be limited to, nature of process, rates of flow, mass discharge rate, raw material and production quantities, hours of operation, number and classification of employees, compliance status with any state or federal pretreatment standards or other information which relates to the generation of waste, including wastewater constituents and concentrations in the wastewater discharge. Such reports may also include sludge disposal practices and the chemical constituents and quantity of liquid or gaseous materials stored on site, even though they may not normally be discharged. At a minimum, a summary of such data indicating each industrial user's compliance with this chapter shall be prepared quarterly and submitted to the Wastewater Supervisor. In addition to discharge reports, the Wastewater Supervisor may require information in the form of wastewater discharge permit applications, self-monitoring reports and compliance schedules. (1981 Code, § 430.15)

§ 54.36 WASTEWATER DISCHARGE PERMITS.

(A) *Mandatory permits.* All industries proposing to connect or to commence a new discharge to the wastewater disposal system shall obtain a wastewater discharge permit before connecting to or discharging into the wastewater disposal system if the discharge would result in the industry being classified as a significant industrial user. All existing significant industrial users or industrial users subject to national categorical pretreatment standards under Section 307 (b) and (c) of the Act connected to or discharging into the wastewater disposal system shall obtain a wastewater discharge permit within 90 days after the effective date of this chapter.

(B) *Permit application.* Users required to obtain a wastewater discharge permit shall complete and file with the Wastewater Supervisor an application in the form prescribed by the Wastewater Supervisor and accompanied by a fee. Existing users shall apply for a wastewater discharge permit within 30 days after the effective date of this chapter, and proposed new users shall apply at least 180 days prior to connecting or discharging to the wastewater disposal system. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- (1) Name, address and location (if different from the address);
- (2) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
- (3) Wastewater constituents and characteristics, including, but not limited to those governed by §§ 54.20 et seq. as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304 (g) of the Act and contained in 40 C.F.R. 136, as amended;
- (4) Time and duration of discharge;
- (5) Average daily and 30-minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any;
- (6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections and appurtenances by the size, location and elevation;
- (7) Description of activities, facilities and plant processes on the premises, including all materials which are or could be discharged, including sludges, floats, skimmings and the like;
- (8) Where known, the nature and concentration of any pollutants in the discharge which are limited by any city, state or national categorical pretreatment standards and (for an existing discharge) a statement regarding whether or not the pretreatment standards are being met on a consistent

basis and if not, whether additional operation and maintenance and/or additional pretreatment is required for the user to meet applicable pretreatment standards. If additional operation and maintenance and/or pretreatment will be required, a proposed schedule by which the changes will be completed shall be submitted. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the use to meet the applicable pretreatment standard. No increment shall exceed nine months in length, and progress reports concerning each increment shall be submitted within 14 days following each increment date;

- (9) Each product produced by type, amount and rate of production;
- (10) Type and amount of raw materials processed (average and maximum per day);
- (11) Number of full and part-time employees and hours of work;
- (12) Any other information as may be deemed by the Wastewater Supervisor to be necessary to evaluate the permit application; and
- (13) The Wastewater Supervisor will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the Wastewater Supervisor may issue a wastewater discharge permit subject to terms and conditions provided herein.

(C) *Permit conditions.* Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges and fees established by the City. Permits may contain the following:

- (1) The unit charge or schedule of user charges and fees for the wastewater to be discharged to the wastewater disposal system;
- (2) Limits on the average and maximum wastewater constituents and characteristics;
- (3) Limits on average and maximum rate and time of discharge or requirements for flow regulation and equalization;
- (4) Requirements for installation and maintenance of inspection and sampling facilities;
- (5) Requirements for installation, operation and maintenance of pretreatment facilities;

- (6) Specifications for monitoring programs which may include sampling locations, frequency and method of sampling, number, types and standards for tests and reporting schedule;
- (7) Compliance schedules;
- (8) Requirements for submission of technical reports or discharge reports;
- (9) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the Wastewater Supervisor, but in no case less than three years, and affording Wastewater Supervisor access thereto;
- (10) Requirements for notification to and acceptance by the Wastewater Supervisor of any new introduction of wastewater constituents or of any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
- (11) Requirements for notification of slug or accidental discharges as provided in § 54.22 and reporting of permit violations;
- (12) Requirements for disposal of sludges, floats, skimmings and the like; and
- (13) Other conditions as deemed appropriate by the City to ensure compliance with this chapter.

(D) *Permit duration.* Permits shall be issued for a specified time period, not to exceed five years. The user shall apply for permit reissuance a minimum of 90 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the Wastewater Supervisor during the term of the permit as limitations or requirements as identified in §§ 54.20 et seq. are modified or other just cause exists. The user shall be informed of any proposed changes in his or her permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance. (Ord. 464, 10/13/2008)

(E) *Permit modifications.* Within nine months of the promulgation of a national categorical pretreatment standard, the wastewater discharge permit of users subject to such standard shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a national categorical pretreatment standard, has not previously submitted an application for a wastewater discharge permit as required by division (B) of this section, the user shall apply for a wastewater discharge permit within 180 days after the promulgation of the applicable national categorical pretreatment standard. In addition, the user with an existing wastewater discharge permit shall submit to the Wastewater Supervisor within 180 days after the promulgation of an applicable national categorical pretreatment standard the information required by division (B) of this section. If the

information previously submitted in an application is still current and adequate, only a letter from the user certifying such is required.

(F) *Permit transfer.* Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises or a new or changed operation without the approval of the Wastewater Supervisor. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit. (1981 Code, § 430.17)

§ 54.37 MONITORING FACILITIES.

(A) Monitoring facilities to allow inspection, sampling and flow measurement of the building sewer and/or internal drainage systems shall be provided and operated by all industrial users. The monitoring facility should normally be situated on the user's premises, but the Wastewater Supervisor may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

(B) There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and compositing of samples for analysis. The facility and sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

(C) Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the Wastewater Supervisor's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the Wastewater Supervisor, unless a time extension is otherwise granted by the Wastewater Supervisor. (1981 Code, § 430.19)

§ 54.38 INSPECTION AND SAMPLING.

The Wastewater Supervisor shall inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Wastewater Supervisor ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. The Wastewater Supervisor, MPCA and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with any security guards so that upon presentation of suitable identification, the Wastewater Supervisor, MPCA and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. If the owner, resident, or other person in control of a premises objects to the inspection of or entrance to the property, any person charged with the duty of enforcing the provisions of this chapter may, upon a showing that probable cause exists for the issuance of a valid search warrant from a court of competent jurisdiction,

petition and obtain a search warrant before conducting the inspection or otherwise entering the property. (1981 Code, § 430.21)

§ 54.39 PRETREATMENT.

(A) Users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all national categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations. Any facilities required to pretreat wastewater shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Wastewater Supervisor for review and shall be acceptable to the Wastewater Supervisor before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Wastewater Supervisor under the provisions of this chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Wastewater Supervisor prior to the user's initiation of the changes. All records relating to compliance with pretreatment standards shall be made available by the Wastewater Supervisor to officials of the EPA or MPCA upon request.

(B) Any user subject to a national categorical pretreatment standard, after the compliance data of such pretreatment standard, or, in the case of the commencement of a new discharge to the wastewater disposal system, shall submit to the Wastewater Supervisor during the months of June and December, unless required more frequently in the pretreatment standard or by the Wastewater Supervisor, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in §§ 54.35 and 54.36. The Wastewater Supervisor may agree to alter the months during which the above reports are to be submitted. (1981 Code, § 430.23)

§ 54.40 FINAL COMPLIANCE DATE REPORTING REQUIREMENTS.

Within 90 days following the date for final compliance with applicable pretreatment standards or, in the case of the commencement of a new discharge to the wastewater disposal system, any user subject to pretreatment standards and requirements shall submit to the Wastewater Supervisor a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and minimum daily flow for these process units in the user's facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the facility into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by the user and certified to by a qualified professional. (1981 Code, § 430.25)

§ 54.41 CONFIDENTIAL INFORMATION.

(A) Information and data on a user obtained from applications, permits, monitoring programs and inspections shall be available to the public or other government agencies without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the Wastewater Supervisor that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.

(B) When requested by the person furnishing a report, and until such time as the information is determined not to be confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this chapter, the NPDES permit, state disposal system permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information. Information accepted by the Wastewater Supervisor as confidential shall not be transmitted to any governmental agency or to the general public by the Wastewater Supervisor until and unless a ten-day notification is given to the user. (1981 Code, § 430.27)

§ 54.42 SLUDGES GENERATED.

Sludges, floats, skimmings and the like generated by an industrial or commercial pretreatment system shall not be placed into the City's wastewater disposal system. Such sludges shall be contained, transported and disposed of in accordance with all federal, state and local regulations. (1981 Code, § 430.29)

ENFORCEMENT

§ 54.56 REVOCATION OF PERMIT.

In accordance with the procedures of this chapter, the Wastewater Supervisor may revoke the permit of any user which fails to factually report the wastewater constituents and characteristics of their discharge; which fails to report significant changes in wastewater constituents or characteristics; which refuses reasonable access to the user's premises for the purpose of inspection or monitoring or for violation of conditions of its permit, this chapter or applicable state and federal regulations.* (1981 Code, § 430.33)

Upon giving a 30-day notice, the City retains the right to revoke the permit and refuse acceptance of the Permittee's wastewater in the event the Permittee does not maintain compliance with the Permit conditions and the requirements of the City's Sewer Service Ordinance and Industrial Waste; Pretreatment Ordinance. In the event Permittee's violation of the terms of this agreement constitutes an imminent public health threat, the City may, on an emergency basis and without notice to Permittee, refuse to accept Permittee's wastewater until such time as the imminent public health threat is alleviated. (Ord. 464, 10/13/2008)

§ 54.57 NOTIFICATION OF VIOLATION.

(A) In the event the City determines there has been a violation of the permit, the City shall notify the Permittee by telephone and in writing, stating the nature of the violation. Failure to provide notice does not absolve the Permittee of liability or penalties.*

Violations will typically be handled in the following manner:

- i) Verbal warnings for the first violation
- ii) Written warning for the second violation
- iii) Penalty for the third violation

Violations of the industrial wastewater permit that result in upsets, operation problems or violations at the City's wastewater treatment facility may proceed directly to a penalty.*

(B) Whenever the Wastewater Supervisor finds that any person has violated or is violating this chapter, wastewater discharge permit or any prohibition, limitation or requirement contained herein, the Wastewater Supervisor may serve upon such person a written notice stating the nature of the violation. Within 30 days of the date of the notice, unless a shorter time frame is necessary due to the nature of the violation, a plan for the satisfactory correction thereof shall be submitted to the City by the user. (Ord. 464, 10/13/2008) (1981 Code, § 430.35)

§ 54.58 SHOW CAUSE HEARING.

(A) *Notice of hearing.* If the violation is not corrected by timely compliance, the Wastewater Supervisor may order any user which causes or allows an unauthorized discharge to show cause before the City Utilities Board why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the City Utilities Board regarding the violation, the reason why the action is to be taken, the proposed enforcement action and directing the user to show cause before the City Utilities Board why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail at least 14 days before the hearing. Service may be made on any agent or officer of a corporation.

(B) *Hearing officials.* The City Utilities Board may itself conduct the hearing and take the evidence or may designate any of its members or any officer or employee of the assigned department to:

- (1) Issue in the name of the City Utilities Board notice of hearings requesting the attendance and testimony of witnesses and the protection of evidence relevant to any matter involved in such hearings;
- (2) Take the evidence; and

- (3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the City Utilities Board for action thereon.

(C) *Transcripts.* At any hearing held pursuant to this chapter, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges therefore.

(D) *Issuance of orders.* After the City Utilities Board has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed or existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued. (1981 Code, § 430.37)

§ 54.59 LEGAL ACTION.

If any person discharges sewage, industrial wastes or other wastes into the City's wastewater disposal system contrary to the provisions of this chapter, federal or state pretreatment requirements or any order of the City, the City Attorney may, following the authorization of such action by the City Utilities Board, commence an action for appropriate legal and/or equitable relief. (1981 Code, § 430.39)

§ 54.60 ANNUAL PUBLICATION.

A list of the users which were significantly violating applicable pretreatment requirements or national categorical pretreatment standards during the 12 previous months shall be annually published by the City in a local newspaper. The notification shall also summarize any enforcement actions taken against the user(s) during the same 12 months. For the purposes of this provision, significant violations would be those violations which remain uncorrected 45 days after notification of noncompliance; which are part of a pattern of noncompliance over a 12-month period; or which involve a failure to accurately report noncompliance. (1981 Code, § 430.41)

§ 54.61 APPEAL TO CITY UTILITIES BOARD.

(A) Any interested party shall have the right to request in writing an interpretation or ruling on any matter covered by this chapter and shall be entitled to a written reply from the City.

(B) Any decision of the Wastewater Supervisor in the enforcement of this chapter may be appealed to the City Utilities Board by filing a written petition with the City Administrator within 30 days of the Wastewater Supervisor's ruling. The petition shall specify in detail the matter or matters involved and every ground or basis on which objections are made. The petition shall show the names, addresses and telephone numbers of all objectors and their attorney-at-law or spokesman. The filing of a petition in accordance with the requirements

herein shall stay all proceedings unless the Wastewater Supervisor shall file within 72 hours after the filing of a petition a certificate stating that a stay would cause peril to life or property or specifying other good reason.

(C) The City Utilities Board shall fix a reasonable time for hearing of the petition or appeal and give due notice of the time and place of the hearing to parties named in the petition as attorney or spokesman. The hearing shall be open to the public. Petitioners shall be given full opportunity to present evidence in support of their petition after which the Wastewater Supervisor may present evidence in support of his or her decision.

(D) The City Utilities Board shall decide the appeal within a reasonable time and notify the attorney or spokesman. The minutes of the Utilities Board shall constitute the official record of the petition, hearing and decision. Any party desiring a transcript of the proceedings shall furnish a qualified court reporter at their own expense. (1981 Code, § 430.43)

§ 54.99 PENALTY.

(A) *Costs of damage.* Any user violating any of the provisions of this chapter or who has a discharge which causes a deposit, obstruction, damage or other impairment to the City's wastewater disposal system shall become liable to the City for any expense, loss or damage caused by the violation or discharge. The Wastewater Supervisor may add to the user's charges and fees the costs assessed for any cleaning, repair or replacement work caused by the violation or discharge. Any refusal to pay the assessed costs shall constitute a violation of this chapter. (1981 Code, § 430.45)

(B) *Falsifying information.* Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter or wastewater discharge permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this chapter shall be guilty of a misdemeanor and punished as provided in § 10.99. (1981 Code, § 430.47)

(C) *Penalties.* For any Permit violation/non-compliance, the City may elect to impose a monetary penalty of between \$100.00 and \$500.00 per calendar day for each violation until the violation is corrected. For each violation during a period of multiple violations, the City may impose a separate fine in this range for each violation. (Ord. 464, 10/13/2008)

Until the Permittee is deemed to be back in compliance with the permit, the City may impose additional sampling and testing. The Permittee will keep the City informed during this period. (Ord. 464, 10/13/2008)

In addition, in the event the City receives a fine from MPCA for a violation of its NPDES Permit, Stipulation Agreement or any other MPCA-imposed regulation, the City reserves the right to fine the Permittee an equal amount if the City violation is demonstrated to be related to the Permittee's non-compliance with the permit. (Ord. 464, 10/13/2008)